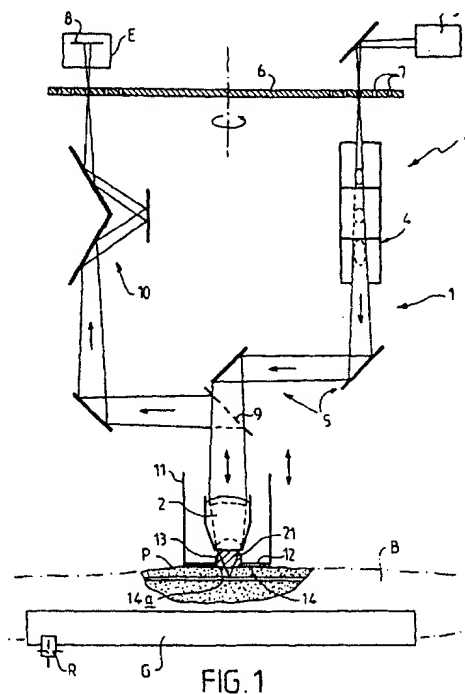


Remarks

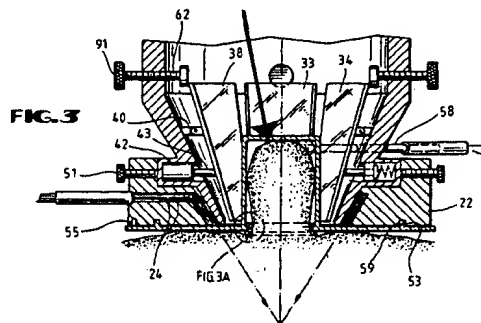
Applicants respectfully traverse the anticipation rejection in view of Corcuff et al. “In vivo Vision of the Human Skin with the Tandem Scanning Microscope,” *Dermatology* 1993, No. 186, pp. 50-54 (“Corcuff article”). It is the Examiner’s position that the Corcuff article’s surface contact device is a plate, however, there is no “plate” mentioned in the Corcuff article, and the Examiner appears to suggest that any device capable of contacting the tissue surface must a plate is improperly adding structure absent in the Corcuff article. Use of the term surface contact device neither describes nor suggests a plate, as evident by the use of the surface contact device with a central opening in Corcuff et al., U.S. Patent No. 5,719,700 (“Corcuff”). Such opening has no plate through which imaging is carried out, but contacts the tissue about an annular region. Moreover, it is submitted that the microscope and its tissue contacting device of the Corcuff article is shown in FIGS. 1 and 3 of the Corcuff patent. Clearly, an annular region (or ring) of endpiece base (12) contacts tissue about opening (13), and no plate is present in such opening (13), see FIG. 1 of the Corcuff patent below.



Thus, it is improper to construe what part of the contact device of the Corcuff article actually contacts the tissue surface and what part of the device is actually imaged through in the Corcuff article section entitled “Material and Method”. Further, where evidence of U.S. Patent No.

5,719,700 clearly refutes the Examiner's position that any device capable of contacting the tissue surface must be a plate (i.e., a surface contacting device), the anticipation rejection should be withdrawn.

Also Applicants respectfully traverse the obviousness rejection based on the Corcuff article in view of Dhawan, U.S. Patent No. 5,146,923, where there is no description or any suggestion as to what part of the contact device of the Corcuff article actually contacts the tissue surface and what part of the contact device is actually imaged through, as argued above. Dhawan is a nevoscope which, as argued in the Amendment filed April 19, 2005, is not capable of producing one or more images representing optically formed sections of the stressed tissue from light returned from focused light under the surface of the tissue. Dhawan's inverted cup shaped housing 44 would not obviously be used in the Corcuff article since it would negatively impact the performance of the Corcuff microscope as shown in more detail in the Corcuff patent. The Corcuff patent at column 4, lines 11-17, states that the endpiece allows variation in the depth of imaging by varying the elasticity of the skin tissue. As a result, if a plate (or member of Claims 47-48) were placed in the central opening (13) of the Corcuff endpiece, this would negatively affect the ability to vary the depth between the lens and the tissue surface. In other words, modifying the opening (13) of the contact device of Corcuff to the maintain tissue stressed against the top surface of Dhawan's inverted cup housing (as indicated by the arrow below in FIG. 3 of Dhawan) would not allow one to vary the elasticity of the tissue to enable varying of the depth of imaging (13) as it would remove the very opening needed to vary the elasticity of the tissue being imaged.



One skilled in the art would not modify a device in a manner which would negatively impact its operation as taught by the reference.

Thus, it cannot be obvious where there is no motivation for combination, and the microscope of Corcuff article as taught in the Corcuff patent actually teaches away from any combination with Dhawan by relying on its central opening through which to image tissue.

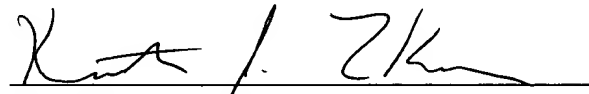
The obviousness rejection on the combination of Corcuff article, Dhawan, and Jester et al. article "In Vivo, Real-time Control Imaging" in the Journal of Electron Microscopy Techniques, Vol. 18, No. 1 (1991) is also requested to be withdrawn, where Corcuff article and Dhawan together fail to suggest the claimed invention as argued above, and Jester et al. fails to provide that which is absent in the Corcuff article and Dhawan.

Claims 21 and 22 are allowable but objected to as being dependent on rejected claims. Applicant believes that dependent Claims 21 and 22 are allowable along with their base Claim 20.

A Fifth Supplemental Information Disclosure Statement is enclosed.

In light of the above arguments, withdrawal of the rejection and passage to issue is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kenneth J. LuKacher", written over a horizontal line.

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Enclosures: Fifth Supplemental Information Disclosure Statement; and
Change of Attorney Address in Application.